

MINUTES
REGULAR MEETING OF THE CITY COUNCIL
CITY OF MEMPHIS
January 22, 2008

3:30 P.M. SCHEDULED SESSION

3:35 P.M. MEETING COMMENCED

ROLL CALL: William Boyd, Joe Brown, Harold Collins, Shea Flinn, Edmund Ford, Jr., Janis Fullilove, Wanda Halbert, Reid Hedgepeth, Myron Lowery, Bill Morrison, Jim Strickland, Barbara Swearengen Ware and Chairman Scott McCormick

**THE MEETING WAS CALLED TO ORDER
BY SERGEANT-AT-ARM**

INVOCATION

The meeting was opened with prayer by Rev. Willie Grandberry from Watkins Chapel CME Church. Councilwoman Ware presented Rev. Grandberry with a certificate naming him Chaplain of the day.

These minutes record the agenda items and the action taken by the Council on such item. The full text of the original of the ordinances, resolutions and supporting documents, including an audio recording of council's deliberations are filed and maintained in the office of Council Records/Records Management, Room 2B-08. The original ordinances and/or resolutions adopted by the Council shall control in the event of any conflict between the description in these minutes and the original documents, ordinances and/or resolutions.

MINUTES

Approval of the Minutes of the regular meeting of January 8, 2008 with the following motion:

MOTION: Boyd
SECOND: Lowery
AYES: Boyd, Brown, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison, Strickland, Ware and Chairman McCormick
Collins abstained

APPROVED

(Councilwoman Halbert made a request for all the Council Members to receive a copy of the Minutes in their packets, that they receive from the Council Office).

**CONSENT AGENDA – Items 1 – 3 & #12, #13 & #14 may be acted upon by one motion:
SEE PAGE 2402 FOR ROLL CALL**

**1. RESOLUTION ACCEPTING CHRISTY MEADOWS SUBDIVISION AND
AUTHORIZING RELEASE OF BOND.**

Case No. S 06-041
(Contract No. CR-5054)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on Springer Drive, 317.16 feet west of the intersection of Walnut Trace Drive. The standard improvement contract was approved on February 20, 2007. Resolution also authorizes the release of the letter of credit in the amount of \$18,000.00.

City Engineer recommends approval

APPROVED

**2. RESOLUTION ACCEPTING BIG ORANGE SUBDIVISION AND AUTHORIZING
RELEASE OF BOND.**

Case No. S 02-056cc
(Contract No. CR-5072)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the northwest corner of Cordova Park Road and Big Orange Road. The standard improvement contract was approved on April 24, 2007. Resolution also authorizes the release of the letter of credit in the amount of \$130,000.00. This action is subject to County approval.

City Engineer recommends approval

APPROVED

**3. RESOLUTION ACCEPTING SANGA ROAD SEWER EXTENSION AND
AUTHORIZING RELEASE OF BOND.**

Case No. S 02-038
(Contract No. CR-5067)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the southwest corner of Trinity Road and Sanga Road. The standard improvement contract was

approved on April 10, 2007. Resolution also authorizes the release of the cashier's check in the amount of \$46,400.00.

City Engineer recommends approval

APPROVED

12. **RESOLUTION ACCEPTING LAGRANGE COMMONS PLANNED DEVELOPMENT AND AUTHORIZING RELEASE OF BOND.**

Case No. PD 05-311cc
(Contract No. CR-5055)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on Raleigh LaGrange south of Macon Road. The standard improvement contract was approved on February 20, 2007. Resolution also authorizes the release of the letter of credit in the amount of \$265,000.00. This action is subject to county approval.

City Engineer recommends approval

APPROVED

13. **RESOLUTION APPROVING FINAL PLAT OF AUSTIN PARK PLACE SUBDIVISION.**

Case No. S 07-028

Resolution approves the final plat located on the west side of Horn Lake Road; south of Cypress Circle. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

APPROVED

14. **RESOLUTION ACCEPTING STONEBRIAR P.D., PHASE 6, SEWER EXTENSION AND AUTHORIZING RELEASE OF BOND.**

Case No. PD 03-335cc
(Contract No. CR-5021)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on Stateline Road, west of Hacks Cross Road. The standard improvement contract was approved on July 25, 2006. Resolution also authorizes the release of the certificate of deposit in the amount of \$98,000.00.

City Engineer recommends approval

APPROVED

ROLL CALL CONSENT ITEMS

MOTION: Halbert
SECOND: Collins
AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery,
Morrison, Strickland, Ware and Chairman McCormick

APPROVED4. **APPOINTMENTS****Chief Administrative Officer****Reappointment**

Keith L. McGee

MOTION: Flinn
SECOND: Boyd
AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery,
Morrison, Strickland, Ware and Chairman McCormick

APPROVED15. **REAPPOINTMENT OF CITY ATTORNEY – ELBERT JEFFERSON, JR.**

Chairman McCormick recognized the following person who spoke from the audience:
Johnny Hatcher, Jr., 2968 Meadow Lane, Memphis, TN. 38118

(Councilman Brown offered a Friendly Amendment for the increase of the City Attorney's Salary. He rescinded this Friendly Amendment until Budget time).

MOTION: Flinn
SECOND: Collins
AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery,
Morrison, Strickland, Ware and Chairman McCormick

APPROVED16. **REAPPOINTMENT OF CITY ENGINEER – WAIN GASKINS**

MOTION: Flinn
SECOND: Ware
AYES: Boyd, Brown, Collins, Halbert, Lowery, Strickland and Ware
NAYS: Flinn, Ford, Fullilove, Hedgepeth, Morrison and Chairman McCormick

APPROVED**17. REAPPOINTMENT OF DIRECTOR OF FINANCE – ROLAND MCELRATH**

MOTION: Flinn
SECOND: Morrison
AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery,
Morrison, Strickland, Ware and Chairman McCormick

APPROVED**18. REAPPOINTMENT OF DIRECTOR OF GENERAL SERVICES – ESTRICE BOONE, JR.**

MOTION: Flinn
SECOND: Boyd
AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery,
Morrison, Strickland, Ware and Chairman McCormick

APPROVED**19. REAPPOINTMENT OF DIRECTOR OF HOUSING & COMMUNITY DEVELOPMENT - ROBERT LIPSCOMB**

MOTION: Flinn
SECOND: Brown
AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery,
Morrison, Strickland, Ware and Chairman McCormick

APPROVED**20. REAPPOINTMENT OF DIRECTOR OF HUMAN RESOURCES – LORENE ESSEX**

MOTION: Flinn
SECOND: Collins
AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery,
Morrison, Strickland, Ware and Chairman McCormick

APPROVED**21. REAPPOINTMENT OF DIRECTOR OF PARK SERVICES – CYNTHIA BUCHANAN**

MOTION: Flinn
SECOND: Ford
AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery,
Morrison, Strickland, Ware and Chairman McCormick

APPROVED**22. REAPPOINTMENT OF DIRECTOR OF PLANNING & DEVELOPMENT – RICHARD COPELAND**

MOTION: Flinn

SECOND: Ford

AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison, Strickland, Ware and Chairman McCormick

APPROVED**23. REAPPOINTMENT OF DIRECTOR OF FIRE SERVICES – RICHARD ARWOOD**

MOTION: Flinn

SECOND: Collins

AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison, Strickland, Ware and Chairman McCormick

APPROVED**24. REAPPOINTMENT OF DIRECTOR OF POLICE SERVICES – LARRY GODWIN**

MOTION: Flinn

SECOND: Hedgepeth

AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison, Strickland, Ware and Chairman McCormick

APPROVED**DIVISION DIRECTORS – APPOINTMENTS****25. APPOINTMENT OF DIRECTOR OF COMMUNITY ENHANCEMENT – ERNEST DOBBINS**

MOTION: Flinn

SECOND: Brown

AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison, Strickland, Ware and Chairman McCormick

APPROVED**26. APPOINTMENT OF DIRECTOR OF PUBLIC SERVICES AND NEIGHBORHOODS – KENNETH MOODY**

Chairman McCormick recognized the following person who spoke from the audience:
Syliva Cox, appearance card was not given to this office

MOTION: Flinn
SECOND: Ware
AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery,
Morrison, Strickland, Ware and Chairman McCormick

APPROVED

27. APPOINTMENT OF DIRECTOR OF PUBLIC WORKS – DWAN L. GILLIOM

MOTION: Flinn
SECOND: Ford
AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery,
Morrison, Strickland, Ware and Chairman McCormick

APPROVED

- 8. RESOLUTION TRANSFERRING AN UNENCUMBERED APPROPRIATION OF \$159,522.00 FUNDED BY G.O. BONDS GENERAL, FROM ARCHITECTURE AND ENGINEERING TO CONSTRUCTION. RESOLUTION TRANSFERS AN UNENCUMBERED APPROPRIATION OF \$113,920.00 FUNDED BY G.O. BONDS GENERAL, FROM ARCHITECTURE AND ENGINEERING TO CONSTRUCTION, FROM PK04006. RESOLUTION ALSO TRANSFERS AN UNENCUMBERED APPROPRIATION OF \$327,683.00, FUNDED BY G.O. BONDS GENERAL FROM ARCHITECTURE AND ENGINEERING TO CONSTRUCTION, FROM PK04010 AND APPROPRIATES \$323,000.00 IN CONSTRUCTION FUNDS, FUNDED BY G.O. BONDS FOR A TOTAL CONTRACT AMOUNT OF \$834,798.00 AND A TOTAL PROJECT COST OF \$1,206,798.00.**

Council did include Aquatic Facilities Major Maintenance, CIP Project Number PK04002 for \$362,000.00 as part of the FY 2008 Capital Improvement Program. Five bids were received on December 21, 2007 for Pool Shell Renovations at Douglass, Lester, Gooch, Pierotti and Willow Pools with the lowest and best bidder being the firm of Memphis Pool Supply Co., Inc.

MOTION: Strickland
SECOND: Ware
AYES: Boyd, Brown, Collins, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison,
Strickland, Ware and Chairman McCormick
Flinn abstained

APPROVED

28. **RESOLUTION GIVING MLGW'S GENERAL COUNSEL CONTRACT AUTHORITY IN THE AMOUNT OF \$93,531.79 FOR TWO CLAIMS SETTLEMENT CONTRACTS.**

MOTION: Ware

SECOND: Strickland

AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison, Strickland, Ware and Chairman McCormick

APPROVED

5. **ORDINANCE AMENDING CHAPTER 21, ARTICLE VI, SECTION 237 OF THE CODE OF ORDINANCES TO PROHIBIT MINORS SOLICITING FROM RIGHT OF WAYS, UP FOR T H I R D AND F I N A L READING. (HELD FROM 1/8)**

Ordinance No. 5248

(Back to Committee on February 5, 2008)

6. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$80,000.00 FROM SHELBY COUNTY GOVERNMENT FOR THE TRANSPORTATION PLANNING GRANT PROJECT TO PAY A PORTION OF PERSONNEL SERVICES FOR TRANSPORTATION PLANNING FOR THE METROPOLITAN PLANNING ORGANIZATION. GRANT FUNDS ARE MATCHED WITH A 20% MATCH FROM THE ENGINEERING OPERATING BUDGET. RESOLUTION ALSO AMENDS THE FY 2008 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS.**

City Engineer recommends approval

MOTION: Morrison

SECOND: Fullilove

AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Hedgepeth, Lowery, Morrison, Strickland, Ware and Chairman McCormick
Halbert did not cast a vote

APPROVED

7. **RESOLUTION APPROVING THE SALE OF CITY OWNED PROPERTY WITH IMPROVEMENTS WHICH HAS BEEN DEEMED SURPLUS, LOCATED ON THE EAST SIDE OF BARTON, NORTH OF RAINES ROAD, KNOWN AS 4122 BARTON (FORMER WHITEHAVEN LIBRARY). THE SHELBY COUNTY ASSESSOR'S OFFICE IDENTIFIES THE PARCEL AS WARD 078, BLOCK 100, PARCELS 00011 AND 00012 AND INDICATES THE PROPERTY CONTAINS .52 ACRE MORE OR LESS.**

(Collins requested that all of District 3 Real Estate Property Sale resolutions be given to him for review, from the Real Estate Dept.).

MOTION: Morrison
SECOND: Fullilove
AYES: Brown, Flinn, Ford, Fullilove, Hedgepeth, Lowery, Morrison, Strickland,
Ware and Chairman McCormick
NAYS: Collins and Halbert
Boyd did not cast a vote

APPROVED

9. **RESOLUTION AMENDING THE FY 2008 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING AN ALLOCATION OF \$1,080,000.00 FUNDED BY G.O. BONDS (STORM WATER) FROM DRAINAGE-ST, PROJECT NUMBER ST03006 TO REHAB STORM WATER STRUCTURES-ST, PROJECT NUMBER ST03077 FOR INSTALLATION OF CURED-IN-PLACE PIPE. RESOLUTION ALSO APPROPRIATES \$1,080,000.00 FUNDED BY G.O. BONDS (STORM WATER) FOR REHAB STORM WATER STRUCTURES-ST, PROJECT NUMBER ST03077 FOR A CONSTRUCTION CONTRACT WITH MOORE CONSTRUCTION COMPANY, INC.**

MOTION: Morrison
SECOND: Boyd
AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Lowery, Morrison,
Strickland, Ware and Chairman McCormick
Hedgepeth did not cast a vote

APPROVED

10. **ORDINANCE REQUESTING APPROVAL OF A CORRECTION ORDINANCE TO CORRECT A CLERICAL ERROR IN THE ORDINANCE FORWARDED TO COUNCIL RECORDS BY THE OFFICE OF PLANNING AND DEVELOPMENT. DUE TO A CLERICAL ERROR, THE REZONING ORDINANCE REFERRED TO REZONING TO THE MODERATE DENSITY (MDR) DISTRICT. THIS ITEM PROPOSES APPROVAL OF THE ORDINANCE CORRECTED TO SHOW THE ZONING AS RECOMMENDED BY THE OFFICE OF PLANNING AND DEVELOPMENT, THE LAND USE CONTROL BOARD AND THE MEMPHIS CITY COUNCIL PLANNING AND ZONING COMMITTEE AS REZONING TO THE HIGH DENSITY RESIDENTIAL (HDR) DISTRICT. (THIS ITEM WAS PREVIOUSLY APPROVED BY CITY COUNCIL ON JANUARY 3, 2006)**

Ordinance No. 5145
Case No. Z 05-133

Location: Located on the northwest corner of N. Third Street and Keel Avenue; east side of N. Third Street, north of Keel Avenue, containing 0.81 acre in the Mixed Use (MU) District

Applicant: Memphis Land Bank – Uptown, LLC
SR Consulting – Cindy Reaves

Request: High Density Residential (HDR) District

LUCB and OPD recommendation: APPROVAL

MOTION: Lowery

SECOND: Morrison

AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery,
Morrison, Strickland, Ware and Chairman McCormick

APPROVED

11. **RESOLUTION APPROVING A STREET ALLEY CLOSURE LOCATED NORTH OF THE INTERSECTION OF U.S. HIGHWAY 78 AND OLD LAMAR AVENUE, CONTAINING 3.449 SQUARE FEET IN THE LIGHT INDUSTRIAL (I-L) DISTRICT.**

Case No. SAC 07-609

Applicant: BNSF Railway Company
W. Max Rexroad/Hanson-Wilson – Representatives

Request: Close and Vacate Alley Street Right-of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Lowery

SECOND: Morrison

AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery,
Morrison, Strickland, Ware and Chairman McCormick

APPROVED

(Councilwoman Ware made a motion for the MINUTES of Item #8 & #28, from tonight's meeting be approved).

(Special Item#1)

MOTION: Ware

SECOND: Boyd

AYES: Boyd, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison,
Strickland, Ware and Chairman McCormick
Brown did not cast a vote

APPROVED

(Councilman Collins made a motion to discuss and put on the floor, the appropriate procedure for conducting Council Committee Meetings and Council Members speaking during the Committee Meetings and to accept Council Attorney Alan Wade's solution, for dealing with this matter). Council Attorney Alan Wade suggested the following:

(Special Item #2)

- A. Standing Committees continue as designated by Chairman McCormick.
- B. Any Council Member desiring to participate in a Committee, be allowed to express an opinion or question any witness, but such participation be subject to a five minute time limit.
- C. Only Appointed Members of a standing committee be allowed to deliberate and vote on a recommendation.
- D. Full Council have the absolute power when presented with a Committee recommendation, to defer its vote and refer the matter to a Committee of the whole, before taking the final action.

(Councilman Strickland made a motion to delete (B) from Council Attorney Alan Wade's suggestion and comply with A, C, & D).

(Special Item #3- Councilman Strickland's motion)

MOTION: Strickland
SECOND: Hedgepeth
AYES: Boyd, Flinn, Hedgepeth, Lowery, Morrison, Strickland and Chairman McCormick
NAYS: Brown, Collins, Ford, Fullilove, Halbert and Ware

APPROVED

(MAIN MOTION – Special Item #2- Councilman Collins motion)

MOTION: Collins
SECOND: Ware
AYES: Boyd, Flinn, Halbert, Hedgepeth, Lowery, Morrison, Strickland and Chairman McCormick
NAYS: Brown, Collins, Ford, Fullilove and Ware

APPROVED, as amended – (B) will be deleted

INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:

Chairman McCormick recognized the following people who spoke from the audience:

Johnny Hatcher, Jr., 2968 Meadow Lane, Memphis, TN. 38118
Walter Broady, III, 4256 Ledbetter Cove, Memphis, TN. 38109
(The Appearance Cards on these speakers were not given to this office)

ADJOURNED MEETING AT 7:50 P.M.

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Upon statement of the Chairman, without objection, the meeting was adjourned, subject to the call of the Chairman.

C H A I R M A N

Attest:

Deputy Comptroller/Council Records